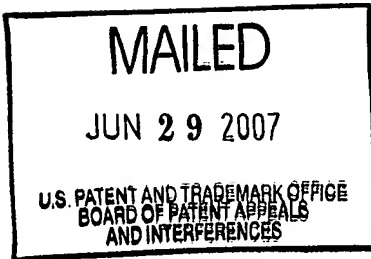


UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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Ex parte ROGER M. SNOW

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Application 10/658,864

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ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

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This application was received electronically at the Board of Patent Appeals and Interferences on June 16, 2007. A review of the application has revealed that the application is not ready for docketing as an appeal.

Accordingly, the application is herewith being electronically returned to the examiner. The matter requiring attention prior to docketing is identified below:

An examination of the Image File Wrapper (IFW) reveals that an Order Returning Undocketed Appeal to Examiner was mailed on July 6, 2006 which requested that appellant is notified to submit a substitute Appeal Brief which corrects the "Summary of claimed subject matter." A new Appeal Brief was filed on July 31, 2006. A Notice of Defective Brief

was mailed on August 16, 2006 and a replacement Appeal Brief was filed on September 5, 2006. While page 2 of the Examiner's Answer mailed November 28, 2006 states that "[t]he summary of claimed subject matter contained in the brief is correct," it is noted that the "Summary of claimed subject matter" appearing on pages 7 and 8 of the September 5, 2006 Appeal Brief is still deficient because it does not map the claimed invention to all of the independent claims. Specifically, on page 8 of the Appeal Brief of September 5, 2006, Appellant states what the only difference between independent claim 1 and independent claim 20 is, but does not map where said difference is found in the specification.


Correction is required. MPEP § 1205.03 states:

When the Office holds the brief to be defective solely due to appellant's failure to provide a summary of the claimed subject matter as required by 37 CFR 41.37(c)(1)(v), an entire new brief need not, and should not, be filed. Rather, a paper providing a summary of the claimed subject matter as required by 37 CFR 41.37(c)(1)(v) will suffice. Failure to timely respond to the Office's requirement will result in dismissal of the appeal. See MPEP § 1215.04 and §711.02(b).

Accordingly, it is ORDERED that the application is returned to the Examiner to:

- 1) hold the Appeal Brief filed on September 5, 2006, defective;
- 2) notify appellants to file a paper providing a summary of the claimed subject matter as required by 37 CFR 41.37(c)(1)(v);
- 3) consider the paper providing a summary of the claimed subject matter as required by 37 CFR 41.37(c)(1)(v) and;
- 4) for such further action as may be appropriate.

BOARD OF PATENT APPEALS  
AND INTERFERENCES

By:   
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